BIBLIOGRAPHY


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INSPECTION REPORTS

The following Antarctic Treaty Inspection Reports were analyzed to develop an understanding of the inspection process and reporting trends.

ARGENTINA

1967 and 1977 Reports not available

AUSTRALIA


CHILE


NEW ZEALAND

1963 Report not available


UNITED KINGDOM


USSR


USA


1989 U.S. Inspection Report not published at this date. Results of the inspection were briefed during a personal interview by Cdr. Don Tennant who led the inspection team.

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The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, \textit{Recognizing} that it is in the interest of all mankind that Antarctica shall continue for ever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

\textit{Acknowledging} the substantial contributions to scientific knowledge resulting from international co-operation in scientific investigation in Antarctica;

\textit{Convinced} that the establishment of a firm foundation for the continuation and development of such co-operation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

\textit{Convinced} also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations;

Have agreed as follows:

\textbf{Article I}

1. Antarctica shall be used for peaceful purposes only. There shall be prohibited, \textit{inter alia}, any measure of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, as well as the testing of any type of weapon.

2. The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

\textbf{Article II}

Freedom of scientific investigation in Antarctica and co-operation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

\textbf{Article III}

1. In order to promote international co-operation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

(a) information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy of and efficiency of operations;

(b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;

(c) scientific observations and results from Antarctica shall be exchanged and made freely available.

2. In implementing this Article, every encouragement shall be given to the establishment of co-operative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

\textbf{Article IV}

1. Nothing contained in the present Treaty shall be interpreted as:

(a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;

(b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of of its nationals in Antarctica, or otherwise;

(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's rights of or claim or basis of claim to territorial sovereignty in Antarctica.

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

\textbf{Article V}

1. Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

2. In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

\textbf{Article VI}

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

\textbf{Article VII}

1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled
to participate in the meetings referred to in Article IX of
the Treaty shall have the right to designate observers to
carry out any inspection provided for by the present
Article. Observers shall be nationals of the Contracting
Parties which designate them. The names of observers
shall be communicated to every other Contracting Party
having the right to designate observers, and like notice
shall be given of the termination of their appoint-
ment.

2. Each observer designated in accordance with the
provisions of paragraph 1 of this Article shall have a
complete freedom of access at any time to any or all areas
of Antarctica.

3. All areas of Antarctica, including all stations,
installations and equipment within those areas, and all
ships and aircraft at points of discharging or embarking
cargoes or personnel in Antarctica, shall be open at all
times to inspection by any observers designated in accord-
ance with paragraph 1 of this Article.

4. Aerial observation may be carried out at any time
over any or all areas of Antarctica by any of the Contract-
ing Parties having the right to designate observers.

5. Each Contracting Party shall, at the time when the
present Treaty enters into force for it, inform the other
Contracting Parties, and thereafter shall give them notice
in advance, of

(a) all expeditions to and within Antarctica, on the
part of its ships or nationals, and all expeditions to Antarc-
tica organized in or proceeding from its territory;

(b) all stations in Antarctica occupied by its nationals; and

(c) any military personnel or equipment intended to be
introduced by it into Antarctica subject to the conditions
prescribed in paragraph 2 of Article I of the present
Treaty.

Article VIII

1. In order to facilitate the exercise of their functions
under the present Treaty, and without prejudice to the
respective positions of the Contracting Parties relating to
jurisdiction over all other persons in Antarctica, observ-
ers designated under paragraph 1 of Article VII and
scientific personnel exchanged under sub-paragraph 1(b)
of Article III of the Treaty, and members of the staffs
accompanying any such persons, shall be subject only to
the jurisdiction of the Contracting Party of which they are
nationals in respect of all acts or omissions occurring
while they are in Antarctica for the purpose of exercising
their functions.

2. Without prejudice to the provisions of paragraph
1 of this Article, and pending the adoption of measures in
pursuance of sub-paragraph 1(e) of Article IX, the
Contracting Parties concerned in any case of dispute with
regard to the exercise of jurisdiction in Antarctica shall
immediately consult together with a view to reaching a
mutually acceptable solution.

Article IX

1. Representatives of the Contracting Parties named
in the preamble to the present Treaty shall meet at the City
of Canberra within two months after the date of entry into
force of the Treaty, and thereafter at suitable intervals and
places, for the purpose of exchanging information, con-
sulting together on matters of common interest pertaining
to Antarctica, and formulating and considering, and
recommending to their Governments, measures in fur-
therance of the principles and objectives of the Treaty,
including measures regarding:-

(a) use of Antarctica for peaceful purposes only;
(b) facilitation of scientific research in Antarctica;
(c) facilitation of international scientific co-operation
in Antarctica;

(d) facilitation of the exercise of the rights of inspection
provided for in Article VII of the Treaty

(e) questions relating to the exercise of jurisdiction in
Antarctica;

(f) preservation and conservation of living resources
in Antarctica.

2. Each Contracting Party which has become a party
to the present Treaty by accession under Article XIII
shall be entitled to appoint representatives to participate in the
meetings referred to in paragraph 1 of the present Article,
during such times as that Contracting Party demonstrates
its interest in Antarctica by conducting substantial research activity there, such as the establishment of a
scientific station or the despatch of a scientific expedi-
tion.

3. Reports from the observers referred to in Article
VII of the present Treaty shall be transmitted to the
representatives of the Contracting Parties participating
in the meetings referred to in paragraph 1 of the present
Article.

4. The measures referred to in paragraph 1 of this
Article shall become effective when approved by all the
Contracting Parties whose representatives were entitled
to participate in the meetings held to consider those
measures.

5. Any or all of the rights established in the present
Treaty may be exercised as from the date of entry into
force of the Treaty whether or not any measures facil-
itating the exercise of such rights have been proposed,
considered or approved as provided in this Article.

Article X

Each of the Contracting Parties undertakes to exert
appropriate efforts, consistent with the Charter of the
United Nations, to the end that no one engages in any
activity in Antarctica contrary to the principles or pur-
poses of the present Treaty.

Article XI

1. If any dispute arises between two or more of the
Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach an agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

Article XII

1. (a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provision of sub-paragraph 1(a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

2. (a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of sub-paragraph 1(a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

Article XIII

1. The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

2. Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

3. Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the depositary Government.

4. The depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

5. Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instruments of accession.

6. The present Treaty shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

Article XIV

The present Treaty, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.
**ANTARCTIC TREATY**

Made 1 December 1959; *came* into force 23 June 1961.

(The Treaty has no limit on its duration; it may be reviewed, at the request of a Consultative Party, 30 years after coming into force [that is in 1991].)

Membership; in chronological order.

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*Original signatories;* the 12 states which signed the Treaty on 1 December 1959, are *italicised*; the dates given are those of the deposition of the instruments of ratification, approval, or acceptance of the Treaty.

* Consultative Parties; 22 states, the 12 original signatories and 10 others which achieved this status after becoming actively involved in Antarctic research (with dates in brackets).

* Papua New Guinea succeeded to the Treaty after becoming independent of Australia.

Annex II. (From Headland, 1989)